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**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Jessica Benton, Shelby Bryant, Anne Marie
Cavanaugh, and Alyssa Garrison,

Plaintiff,

vs.

City of Seattle,

Defendant

No. 2:20-CV-01174-RAJ

MOTION TO AMEND COMPLAINT

Plaintiffs, through counsel J. Talitha Hazelton, move for leave to amend their complaint in the form attached, pursuant to Federal Rule of Civil Procedure (FRCP) 15 and Local Rule (LCR) 15. Additionally, Plaintiffs move to drop Plaintiff Thomas from this suit, pursuant to FRCP 21 and LCR 21.

FACTS

One month has passed since this Court submitted an order denying Plaintiffs' Motion for Reconsideration for TRO. Dkt. # 27. In this time, SPD has continued to brutalize protestors and misuse crowd control weapons on predominantly non-violent protestors. Plaintiffs now seek leave to amend to include recent factual allegations regarding SPD's consistent violence and the City of Seattle's inability to end this behavior.

LAW

FRCP 15(a)(2) allows for the amendment of pleadings with leave of the court, or with opposing counsel's written consent, before trial. FRCP 15(a)(2). The rule further provides, "The court should freely give leave when justice so requires." *Id.* Because the rule instructs that leave to amend pleadings should be "freely" given, the standard of review is liberal. The Ninth Circuit has instructed that the rule "should be interpreted with 'extreme liberality,'" *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990). A district court only has discretion to deny leave to amend "due to repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, and futility of amendment." *Smith v. Constellation Brands, Inc.*, 2018 WL 991450, at *2 (9th Cir. Feb 21, 2018).

In the present case, Plaintiffs seek to amend their complaint for the first time in an effort to include all of the relevant facts as they have developed over the summer. As a matter of judicial economy and convenience, it is appropriate for all facts to be included before the upcoming jury trial.

FRCP 21 and LCR 21 allow for parties to be "dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just." LCR 21. Plaintiffs therefore seek remove Plaintiff Clare Thomas as a party from this suit. The remaining plaintiffs will continue with the case.

CONCLUSION

For all of the above reasons, Plaintiffs respectfully request leave to amend the original Complaint in the above-captioned matter.

Respectfully submitted this September 29, 2020.

/s/ J. Talitha Hazelton

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